IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Writ Petition No.8939 of 2007

Khandu S. Patil ..Petitioner

versus

State of Maharashtra
& Others ..Respondents

Mr.Sandeep Shinde for the Petitioner

Coram : S.C.Dharmadhikari, J.
Dated : 6th Dec., 2007

P.C.

1. Heard Mr.Shinde appearing for the petitioner. Perused the interim orders of the trial court and the lower appellate court. At the prima facie stage there is concurrent finding that the plaintiff-petitioner could not establish before the Court that he is entitled to the injunction.

2. On the other hand, there is concurrent finding that the original defendants have no alternate road to enter their lands. In such circumstances, at the prima face stage the courts below were right in holding that the petitioner plaintiff is not entitled to the interim injunction. On all three counts the the petitioner-plaintiff has failed. This court can not re-appreciate and

re-appraise the material at the prima facie stage and record a different conclusion. Petition is dismissed, the trial court to decide the suit on the basis of the oral and documentary evidence led by the parties and should not be influenced by the observations made at the interim stage.

3. Petition dismissed accordingly.

(S.C.Dharmadhikari, J.)